

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 23rd May 2023

Report of

Director of Planning & Growth - Brett Leahy

Contact Officers:

Amma Busia
Sharon Davidson

Category

Minor

Ward

Town

Councillor Request

No

LOCATION: Thomas Hardy House 39 London Road Enfield EN2 6DS

APPLICATION NUMBER: 22/03389/RE4

PROPOSAL: Installation of outdoor seating and tables

Applicant Name & Address:

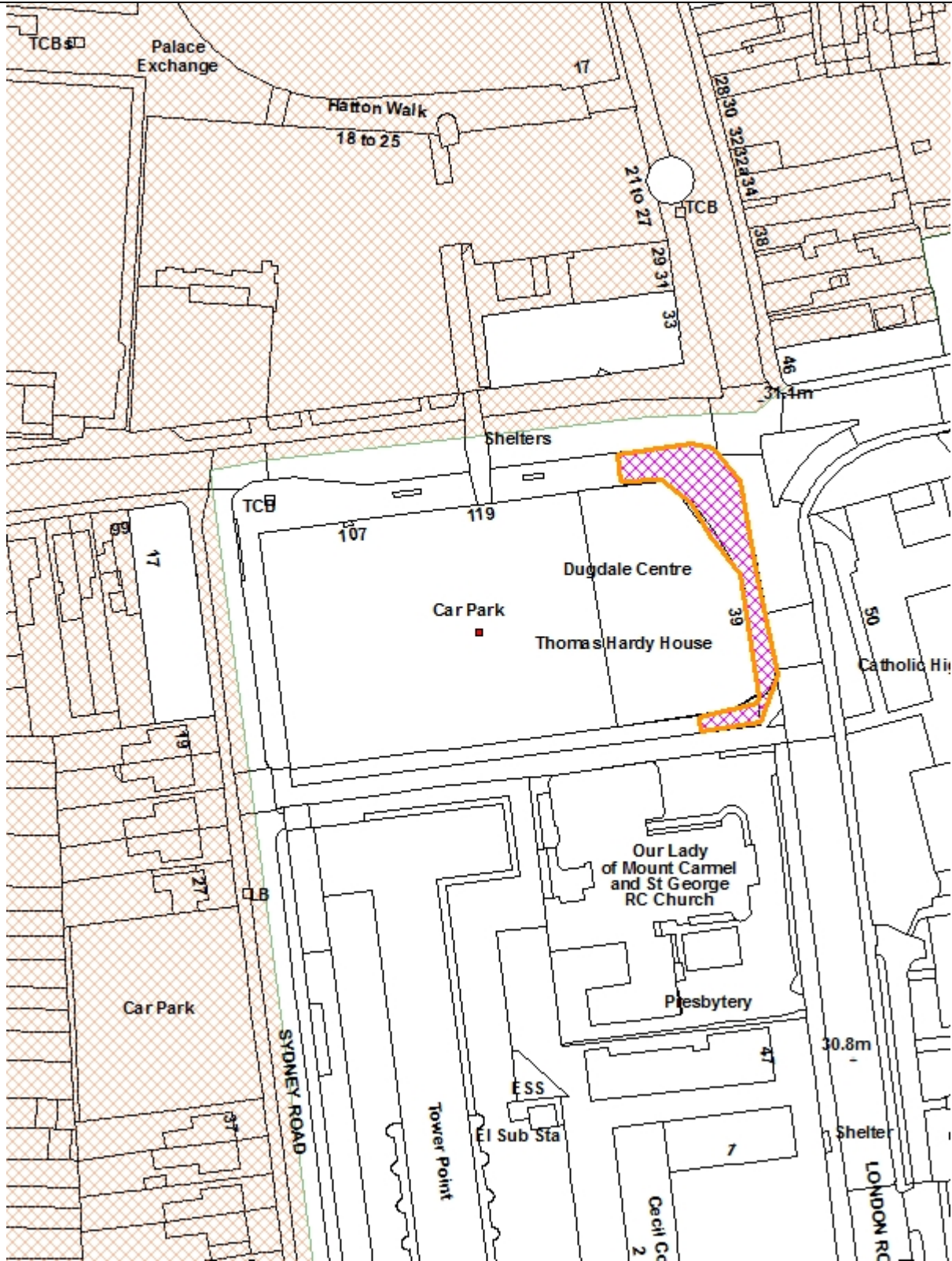
London Borough of Enfield
Head of Cultural Development
Civic Centre
Enfield

Agent Name & Address:

TP Bennett LLP
One America Street
London

RECOMMENDATION:

That in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 the Head of Development Management be authorised to GRANT planning permission subject to the following conditions



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North



1. Note for Members

- 1.1. The application is reported to Planning Committee for determination in accordance with the scheme of delegation because the application site is Council owned.

2. Recommendation

- 2.1. That in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.
2. Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.
3. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the attached schedule which forms part of this notice.

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A11914 TPB ZZ 00 DR A 0402 P3

A11914 TPB ZZ 00 DR A 0400 P01

Reason: For the avoidance of doubt and in the interests of proper planning.

4. No development above existing ground level shall commence until details of the materials and specification for the outdoor seating and tables to be used shall be approved in writing by the Local Planning Authority. A schedule of materials and their use in the approved scheme is required and samples made available on site. A photograph showing all samples to be inspected must be submitted. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

3. Executive Summary

- 3.1. Planning permission is sought for the installation of outdoor seating and tables.

The primary public benefits of the scheme can be summarised as follows:

- a) Create an engaging public realm for people of all ages, with opportunities for social interaction
- b) Promote vitality of the town centre;
- c) Promote an inclusive development by providing a location and service to all members of the local and wider community to gather.

Furthermore, it has been recognised that:

- The development by virtue of its town centre location would not unacceptably harm the amenity of occupying and neighbouring residents.

- The proposals would not cause any unacceptable harm upon highway safety or the flow of traffic in the locality.
- 3.2. The development would be appropriate and broadly in accordance with relevant National and Regional Policy, Core Strategy and Development Management policies.

4. Site and Surroundings

- 4.1. The site is located in Enfield Town, the principal commercial and administrative centre of the Borough, which is designated as a Major Centre. The public transport accessibility level (PTAL) of the site is 5 (Very Good).
- 4.2. The site is bound to the north by Cecil Road, to the east by London Road, to the south by Our Lady of Mount Carmel and St George Roman Catholic Church and Tower Point and to the west by Sydney Road.
- 4.3. The site is approximately 1.5ha and encompasses the single structure known as Thomas Hardy House. This building was constructed in the early 21st century as part of a wider town centre regeneration development. This building houses the Dugdale Centre - a theatre, café and museum, the Enfield Local Studies Library and Archive, conference facilities and offices occupied by the local Council, the Palace Exchange car park and two retailers (Iceland Foods and Lidl).
- 4.4. The site is located outside of the Enfield Town Conservation Area. However, the northern side of Cecil Road (opposite side of the road) and western side of Sydney Road (opposite side of the road) is located within the Enfield Town Conservation Area. There are no Listed Buildings, Scheduled Monuments or World Heritage Sites in the immediate vicinity. The Our Lady of Mount Carmel and St George Roman Catholic Church is however Locally Listed.
- 4.5. Thomas Hardy House is serviced from an access road to the south of the building, as are the adjoining retailers.

5. Proposal

- 5.1. The proposal seeks planning permission for the installation of permanent outdoor seating and tables that would sit against the face of the building.

6. Relevant Planning History

Application site
Thomas Hardy House

21/04659/CND Details pursuant to ref: 21/00754/RE4: Construction Management Plan (8), for the change of use of part ground and first floor from community (Class F1) to office (Class E) use with associated external alterations, replacement plant and cycle parking. GRANTED 11/03/2022.

21/04619/CND Details submitted pursuant to reference 21/00754/RE4: acoustic report (4) in respect of change of use of part ground and first floor from community (Class F1) to office (Class E) use with associated external alterations, replacement plant and cycle parking. GRANTED 25/01/2022.

21/02732/CEA Installation of two air source heat pumps. GRANTED 15/09/2021.

21/00754/RE4 Change of use of part ground and first floor from community (Class F1) to office (Class E) use with associated external alterations, replacement plant and cycle parking. GRANTED 26/08/2021.

No.109-111 Cecil Road

TP/03/2030/4 - Details of shopfront for Unit LSU4 submitted pursuant (in part) to Condition 04 of approval under Ref: TP/03/2030 and Condition 04 of approval under Ref: TP/00/0977/7 for development involving retail space, cultural facility and multi-storey car park in association with the Enfield Town Centre development. GRANTED 29/ 11/2007.

TP/03/2030/VAR1 - Variation of condition 21 of Ref:TP/00/0977, condition 10 of Ref:TP/00/0977/7 and condition 09 of Ref:TP/03/2030 to allow extension of delivery times to 0700 - 1900 hours Mondays to Saturdays and 0800 - 1800 hours on Sundays for Unit LSU3. Refused 11 Oct 2007. Appeal allowed 08/ 05/ 2008.

TP/03/2030 - Redevelopment of site to provide retail floor space, cultural facility including library and multi-storey car park in association with the comprehensive redevelopment of land at Enfield Town Centre under planning permission Ref:TP/00/0977. Granted with Conditions 25/ 08/ 2004.

Known as Enfield Town Centre

20/03575/LBEPRE - Proposed change of use of part ground and first floor from community (Class F1) to office (Class E) use with associated external alterations. Date Issued 05/12/2020.

TP/00/0977/44 - Revised details of a scheme for external lighting (initially approved in 15 December 1004 under ref: TP/00/0977/27) submitted pursuant to condition 10 of approval under Ref: TP/00/0977/2 for Enfield Town Centre redevelopment (reserved matters application). 13/02/2007.

TP/00/0977/41 - Details of the treatment of the common boundary with Nos. 21-27 London Road, involving construction of an externally illuminated word-wall, submitted pursuant to condition 07 of approval under Ref:TP/00/0977 for Enfield Town Centre redevelopment. Approved 05/ 01/2007.

TP/00/0977/48 - Submission of details as follows in respect of redevelopment of the Town Centre: Planting / landscaping, cycle parking and street furniture pursuant to conditions 04, 13 & 25 of approval under Ref:TP/00/0977; Link bridge, fountain island, treatment of George Mews, landscaping within the retail development and landscaping/enclosure for the civic facility and multi-storey car park pursuant to conditions 02, 05, 08, 09 & 13 of approval under Ref:TP/00/0977/2; Link bridge and landscaping/enclosure for the civic facility and multi-storey car park pursuant to conditions 02 & 09 of approval under Ref:TP/00/0977/7; Link bridge and landscaping/enclosure for the civic facility and multi- storey car park pursuant to conditions 02 & 08 of approval under Ref:TP/03/2030. Approved 15/12/ 2006.

TP/00/0977/45 Revised details of external materials submitted pursuant to condition 01 of approval granted under ref: TP/00/0977/35 and conditions 1 and 3 of TP/00/0977/2, TP/00/0977/7 (reserved matters applications) and TP/03/2030 (full application) for Enfield Town Centre redevelopment (Cecil Road Block). Approved 18/12/2006.

TP/00/0977/35 - Revised details of external appearance (Cecil Road block only) pursuant to condition 3 of the outline planning permission granted under Ref: TP/00/0977 for the redevelopment of the site for retail, leisure, library and cultural facility, multi-storey car park and associated road works. Granted with Conditions 16/12/2005.

TP/00/0977/11 - Approval of proposed shopfronts and facility for security grills integral to the design (Unit LSU2 only), pursuant to condition 4 of Planning Approval Ref TP/00/0977/2 dated 11/12/01 for the related Approval of Details submission regarding the details of siting, design, external appearance, materials of construction, and servicing arrangements pursuant to conditions 1, 2 (part only), 3, 24 of the outline planning permission granted under Ref: TP/00/0977 for the redevelopment of the site for retail, leisure, library and cultural facility, multi-storey car park and associated road works. Approved 19/08/2003.

TP/00/0977 - Demolition and part demolition of buildings and structures together with comprehensive redevelopment for retail (Class A1/A2/A3), leisure (Class D2), and cultural facility including library (Class D1) together with car parking and servicing, alterations to existing highway including permanent stopping up of Sydney Road (between Cecil Road and Church Street) and extension to Genotin Road to link London Road, landscaping and other ancillary works. Granted with Conditions 03/05/2001.

Redwood House (33 London Road)

20/01920/FUL - Construction of a part 4th,5th and 6th floor rooftop extension with terraces to provide 7 self-contained units. Approved 11/01/ 2022.

7. Consultation

Statutory and Non-Statutory Consultees

Transportation

- 7.1. No objection, subject to the strip of land located in front of the site intended to accommodate permanent tables and chairs being “stopped up” using powers under section 247 of the Town and Country Planning Act 1990.

Public Consultation

- 7.2. Consultation letters were sent to (31) neighbouring and nearby properties dated 14.10.2022 to 07.11.2022. No comments were received at the time of writing this report.

8. Relevant Planning Policies

- 8.1. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Enfield Core Strategy (2010); the Enfield Development Management Document (2014); and The London Plan (2021).

The London Plan (2021)

- 8.3. The London Plan together with Enfield's Local Plan forms the Development Plan for this application. It is the overall strategic plan for London setting out an integrated economic, environmental, transport and social Framework for the development of London for the next 20-25 years.
- 8.4. The following policies of the London Plan are considered particularly relevant:

| | |
|------------|---|
| Policy GG1 | Building strong and inclusive communities |
| Policy GG2 | Making the best use of land |
| Policy GG3 | Creating a healthy city |
| Policy GG5 | Growing a good economy |
| Policy GG6 | Increasing efficiency and resilience |
| Policy SD6 | Town centres and high streets |
| Policy D4 | Delivering good design |
| Policy D5 | Inclusive design Policy |
| Policy S1 | Developing London's social infrastructure |
| Policy HC1 | Heritage conservation and growth |
| Policy T2 | Healthy Streets |
| Policy T3 | Transport capacity, connectivity and safeguarding |
| Policy T4 | Assessing and mitigating transport impacts |

Enfield Core Strategy: 2010

- 8.5. The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable.
- 8.6. The following policies of the Core Strategy is considered particularly relevant:

| | |
|-------------|---|
| Policy CP9 | Supporting community cohesion |
| Policy CP11 | Recreation, Leisure, Culture and Arts |
| Policy CP13 | Promoting economic prosperity |
| Policy CP17 | Town Centres |
| Policy CP24 | The road network |
| Policy CP25 | Pedestrians and cyclists |
| Policy CP26 | Public transport |
| Policy CP30 | Maintaining and improving the quality of the built and open environment |
| Policy CP31 | Built and Landscape Heritage |

Enfield Development Management Document (2014)

- 8.7. The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy.
- 8.8. The following local plan Development Management Document policies are considered particularly relevant:

Policy DMD17 Protection of Community Facilities
Policy DMD25 Locations for New Retail, Leisure and Office Development
Policy DMD37 Achieving High Quality Design-Led Development
Policy DMD42 Design of Civic/Public Buildings and Institutions '
Policy DMD44 Conserving and Enhancing Heritage Assets
Policy DMD47 Access, new roads, and servicing (pedestrians, cyclists, vehicular access, refuse, operations for nurseries)
Policy DMD79 Ecological Enhancements
Policy DMD81 Landscaping

Enfield Draft New Local Plan

- 8.9. Work on a New Enfield Local Plan has commenced so the Council can proactively plan for appropriate sustainable growth, in line with the Mayor of London's "good growth" agenda, up to 2041. The Enfield New Local Plan will establish the planning framework that can take the Council beyond projected levels of growth alongside key infrastructure investment.
- 8.10. As the emerging Local Plan progresses through the plan-making process the draft policies within it will gain increasing weight but at this stage it has relatively little weight in the decision-making process.

Other relevant policy and guidance

TfL London Cycle Design Standards (2014)
GLA: Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)
GLA: Shaping Neighbourhoods: Character and Context SPG (2014)
GLA: London Sustainable Design and Construction SPG (2014)
GLA: Accessible London: Achieving an Inclusive Environment SPG (2014)
Healthy Streets for London (2017)
Manual for Streets 1 & 2, Inclusive Mobility (2005)
National Design Guide (2019)

9. Analysis

Principle of Development

- 9.1. Built in the early 2000s, as part of the 'Enfield Town Centre Phase II Redevelopment' (Ref: TP/00/0977), Thomas Hardy House was a major objective within the Council's Leisure Strategy and an opportunity to provide a fully accessible community facility incorporating theatre, archive, local history museum and a new central library directly linked at first floor level, thus helping to meet lifelong learning and social inclusion objectives coupled with the art gallery and performance spaces at ground floor level. The provision at first floor level of a new central library was subsequently replaced at the development stage, with conference facilities provided instead, following the refurbishment of the nearby Enfield Town Library on Church Street.
- 9.2. Thomas Hardy House and specifically the Dugdale Centre has more recently comprised a theatre, café and museum at ground floor level, the Enfield Local Studies Library and Archive and conference facilities at first floor level, and the offices of the Children and Family Services at second floor of the building.
- 9.3. The previously approved scheme relocated the Enfield Local Studies Library and Archive at first floor level to a newly formed space meeting the National Archive accreditation standards within the Civic Centre via a temporary home at the Ridge Avenue Library (Winchmore Hill). The conference facilities at first floor level within the Dugdale Centre would be replaced in a refurbished ground floor of the Civic Centre which would also see a newly formed meeting and training hub, capable of hosting public meetings.
- 9.4. At ground floor level, the Dugdale Centre would still retain the theatre, café and museum, with a greater capacity to host meetings, conferences and training events. These changes have already been granted planning permission.
- 9.5. It is considered that the proposal to provide outdoor seating and tables in relation to its town centre location would create an engaging public realm for people of all ages, with opportunities for social interaction, whilst also promoting cultural and social wellbeing. The principle is acceptable.

Design, Appearance & Impact on the character

- 9.6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 9.7. Chapter 12 (“Achieving well-designed places”) of the NPPF outlines the importance of good design to the built environment. Paragraph 130 outlines a number of criteria that planning policies and decisions should aim to ensure of developments. Of most relevance in this case are those sections which relate to local distinctiveness, character and integration of development into the built environment in that the proposal should aim to be “sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”
- 9.8. London Plan policy HC1 (“Heritage conservation and growth”) advises that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 9.9. Enfield Core Strategy Policy CP30 (“Maintaining and improving the quality of the built and open environment”) seeks to ensure that new developments are high quality and design-led, having regard to their context while Policy CP31 (“Built and Landscape Heritage”) of the of the Core Strategy sets out a requirement that development should conserve and enhance designated and non-designated heritage assets.
- 9.10. Policy DMD37 (“Achieving High Quality Design-Led Development”) states that development that is not suitable for its intended function that is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused. However, it also recognised there is a degree of subjectivity in this assessment of acceptable design.
- 9.11. Enfield Development Management Document Policy DMD42 (“Design of Civic/Public Buildings and Institutions”) states that Civic buildings, institutions and other buildings providing services to the public, must be designed to a high standard and have prominence within their community.
- 9.12. Policy DMD44 (“Conserving and Enhancing Heritage Assets”) states that development which fails to conserve and enhance the special interest, significance or setting of a heritage asset will be refused. The design, materials and detailing of development affecting heritage assets or their setting should conserve the asset in a manner appropriate to its significance.
- 9.13. Thomas Hardy House is in a prominent location on the corner of London Road and Cecil Road. It has a strong presence in the local townscape, being visible in the approach from the east from Genotin Road and in views north and south along London Road.
- 9.14. Whilst the application site itself does not fall within a relevant designation, opposite the site is the Enfield Town Conservation Area (a designated heritage asset), and the impact of the development upon its setting should therefore be considered.

9.15. The proposed outdoor seating and tables would sit up against the face of the building and would not look out of place in the context of the surrounding area. Therefore, the proposal would not harm the setting of the adjacent Conservation Area. However, this is a prominent location and therefore it is important to ensure that the seating is appropriate in terms of quality/specification and therefore a condition is recommended requiring the submission of details.

Neighbouring Residential Amenity

9.16. Enfield Core Strategy Policy CP9 (“Supporting community cohesion”) promotes attractive, safe, accessible and inclusive neighbourhoods while Core Strategy Policy CP30 (“Maintaining and improving the quality of the built and open environment”) seeks to ensure that new developments are high quality and design-led, having regard to their context.

9.17. The surrounding area is a mix of commercial and residential. The proposed outdoor seating and tables, in this vibrant town centre setting, is considered minimal and would not have any significant impact on the amenities of nearby residents.

Highways

9.18. The Traffic and Transportation team were consulted and raised no objection to the proposed permanent seating and tables that sits against the face of the building subject to a stopping up order. They raised concerns about the informal permanent seating and planters within the central section that would sit on currently adopted highway. This central section does not form part of the application under consideration. It is shown on the plans indicatively and would be subject to a S115EB License under the Highways Act which would be applied for separately.

Community Infrastructure Levy (CIL)

9.19. The development is not CIL liable given the nature of the proposal.

10. Public Sector Equalities Duty

10.1 In accordance with the Public Sector Equalities Duty, it is considered the proposal would not disadvantage people who share one of the different nine protected characteristics as defined by the Equality Act 2010 compared to those who do not have those characteristics.

11. Conclusion

11.1. Having regard to the above assessment, it is considered the proposal is acceptable for the following reasons:

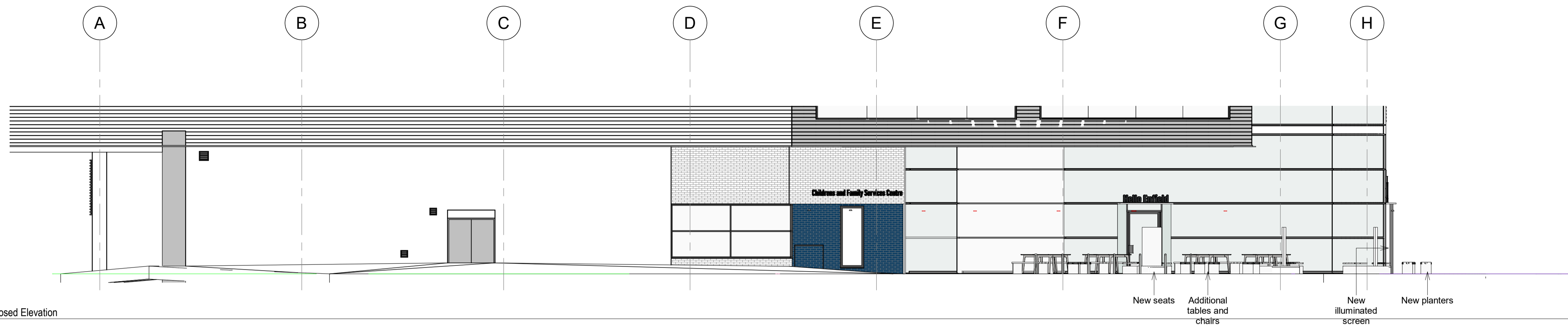
- The proposal would allow the approved scheme to continue to contribute positively to the aims of the original proposal, which was to provide a suitable replacement community facility that maintains public provision and accessibility.
- The proposal would not cause harm to the vitality and viability of the Major Centre of the borough and would not result in any harm to the character and appearance of the wider area and the adjacent Enfield Town

Conservation Area.

- it would not result in any harmful impacts upon the amenity of neighbouring or nearby residents.
- The proposal would not result in any significant harm to highway safety or the flow of traffic in the locality.

The development would be in accordance with relevant National and Regional Policy, the Core Strategy and Development Management Document policies.

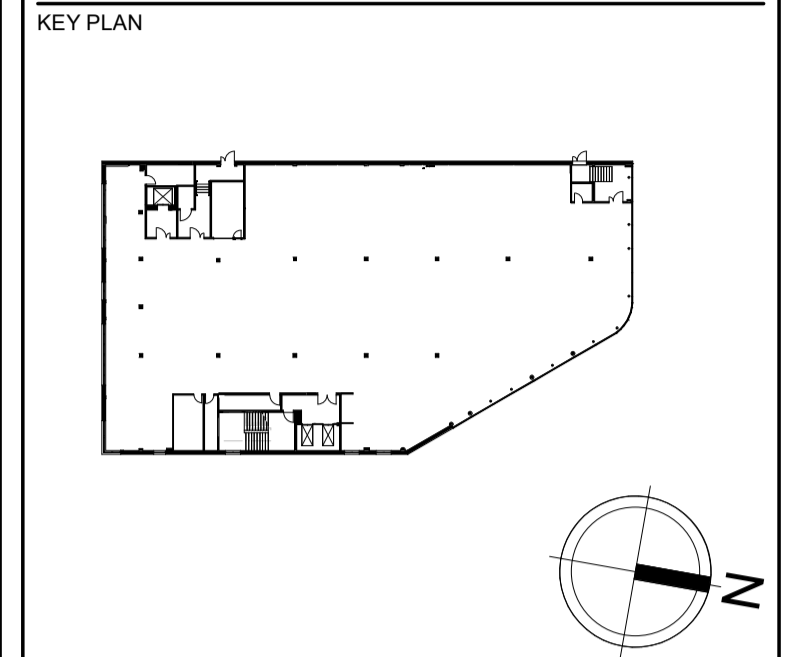
2 0402_Proposed Elevation
1:100



1 0402-Proposed Ground Floor Plan
1:100



CLIENT
Enfield Council
STRUCTURAL ENGINEER
Pick Everard
SERVICES ENGINEER
Pick Everard
CONSULTANT



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| No. | Date | Comments | Drawn | Checked |
|-----|------------|--|-------|---------|
| P1 | 06/05/2023 | Annotation updates | JC | AC |
| P2 | 06/05/2023 | Blue line added - annotation updates | JC | AC |
| P3 | 06/05/2023 | Publication coverage, where and areas needed to allow clear walkways to be added to drawings | JC | AC |
| P4 | 06/05/2023 | Planning issue | JC | AC |

Issue Status
Planning
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Project
Thomas Hardy House
39 London Road
London, EN2 6DS

Drawing Title
Proposed Ground Floor Plan

| Drawn | Date | Scale @ A1 | Alt. Ref. |
|------------------|------------|------------|-----------|
| Author | 1:100 | A11914 | |
| Project | Originator | Volume | Level |
| A11914 TPB ZZ 00 | DR | A | 0402 |

BIM Model Ref: A11914-TPB-ZZ-0402-REV-05-23